

United States Government

Department of Energy

memorandum

DATE: December 18, 2002

REPLY TO

ATTN OF: Office of Environmental Policy and Guidance: Thompson:69581

SUBJECT:

Clean Water Act Related Actions

TO:

Distribution

The purpose of this memorandum is to inform Department of Energy (DOE) program offices and field elements of recent Clean Water Act related actions. These actions are listed below.

Compliance With Floodplain and Wetland Environmental Review Requirements

This DOE proposed rule published in the Federal Register on November 18, 2002, would streamline existing procedures. Proposed changes include simplifying notification procedures for proposed floodplain and wetland assessment action; exempting additional actions from the floodplain and wetland assessment provisions; providing for immediate action in an emergency; expanding the existing list of sources that may be used in determining the location of floodplains and wetlands; and allowing floodplain and wetland assessments for actions proposed to be taken under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to be coordinated with the CERCLA environmental review process rather than the National Environmental Policy Act process. Comments must be submitted by January 14, 2003. The proposed rule is available at <http://tis.eh.doe.gov/nepa/whatsnew.html>.

Effluent Limitation Guidelines and New Source Performance Standards for New Construction and Development Category; Proposed Rule

The Environmental Protection Agency (EPA) is extending the comment period for the proposed rule to December 23, 2002 and adding two documents to the rulemaking docket. On June 24, 2002, EPA proposed effluent guidelines and standards for storm water discharges from construction sites. Two documents which EPA considered during the development of the proposed rule were inadvertently omitted from the rulemaking docket. These documents are now available for public review. Additional information on the proposed rule is available on EPA's web site at <http://www.epa.gov/waterscience/guide/construction/>.

Proposed Federal Antidegradation Policy and Implementation Methods for Kentucky

On November 14, 2002, EPA published for review and comment proposed water quality standards for Kentucky, which establishes a Federal antidegradation policy and implementation methods for high quality water from antidegradation protection required under EPA's water quality standards regulations. EPA is accepting comments until March 14, 2003. The proposal is available at <http://www.epa.gov/fedrgstr/>.

Guidelines Establishing Test Procedures for the Analysis of Pollutants – Whole Effluent Toxicity Test Methods

EPA issued final regulations on November 19, 2002, for testing methods to measure the toxicity of effluents and receiving waters to freshwater, marine, and estuarine organisms. In these final regulations, EPA ratifies approval of several test procedures for measuring the toxicity of effluents and receiving waters. These test procedures are commonly referred to as whole effluent toxicity or WET methods. Effective date for the final rule is effective December 19, 2002. The final rule is available at <http://www.epa.gov/waterscience/WET/>.

Effluent Guidelines Program Plan for 2002/2003

On August 27, 2002, EPA published an Effluent Guidelines Program Plan for 2002/2003 in the Federal Register. This plan identifies industrial categories for which EPA expects to develop or revise effluent limitation guidelines and standards and sets forth schedules for those rulemakings. Under the Clean Water Act, EPA establishes effluent guidelines to reduce pollutant discharges from industrial facilities to surface waters and publicly owned treatment works. The program plan is available at <http://www.epa.gov/guide/plan.html>.

Questions regarding this memorandum should be directed to Lois Thompson of my staff at lois.thompson@eh.doe.gov or (202) 586-9581.

A handwritten signature in black ink, appearing to be 'L. Thompson', written in a cursive style.

Director
Air, Water and Radiation Division

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